

Motion

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED
JUL 20 2007
CLERK'S OFFICE
DETROIT

Vonlee Nicole Titlow

Plaintiff,

-vs-

Corrections Medical Services, Inc., et.al,
Defendant

Case No. 5:07-cv-12083
Hon: John Corbett O'Meara
United States District Judge
Hon: Paul J. Komives
United States Magistrate Judge

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION FOR
ENLARGEMENT OF TIME TO FILE A RESPONSE IN OPPOSITION TO
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

NOW COMES the above-named Plaintiff, Vonlee Nicole Titlow (hereafter; "Plaintiff Titlow"), by and through the assistance of a jail-house litigator, proceeding in propria persona, and moves this Honorable Court pursuant to the provisions of Fed. R. Civ. P., rule 6(b) for a sixty (60) day enlargement of time in which to file a response in opposition to the Defendant's motion for summary judgment. In support thereof, Plaintiff Titlow sets forth the following facts, infra:

1. May 16, 2007, Plaintiff Titlow filed in this court civil litigation against the above named defendant(s).
2. On July 11, 2007, Assistant Attorney General Christine M. Campbell filed a Defendant's Motion for Summary Judgment.
3. Because Plaintiff Titlow is novice layman of law, specifically in the area of civil litigation practice and procedures, and is receiving assistance with this civil litigation from a jailhouse lawyer, an additional sixty (60) days is warranted in order to adequately prepare a meritorious response to Defendant's motion for summary judgment.
4. Plaintiff Titlow, and his jailhouse lawyer, are housed at the Southern Michigan Correctional Facility, where a written request must be submitted to attend the law library for legal research purposes. Often, due to the vast amount of requests received


by the librarian, it sometimes take up to a week or two to placed on call-out; and even then, legal texts are issued on a “first come, first serve” basis.

5. This is Plaintiff Titlow’s, first request for an enlargement in this matter.
6. Plaintiff Titlow , in good faith, makes this request before the expiration of time in which to file a written objection and its’ granting will not prejudice the Defendant.

RELIEF SOUGHT

WHEREFORE, Plaintiff, Vonlee Nicole Titlow, prays this Honorable court "GRANT" him the additional sixty 60 day extension/enlargement of time requested in his motion in order to allow him to prepare and file a persuasive response to Defendant's motion for summary judgment.

Respectfully submitted,



Vonlee Nicole Titlow #384878
Plaintiff, In Pro Per

VERIFICATION

I, Vonlee Nicole Titlow, hereby declare under the penalty of perjury that the above facts and statements are true and correct to the best of my information, knowledge, and belief.

/s/ 

Vonlee Nicole Titlow #384878
Declarant

DATED: 7-16-07

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
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Vonlee Nicole Titlow
Plaintiff,

-vs-

Corrections Medical Services, Inc., et.al,
Defendant

Case No. 5:07-cv-12083
Hon: John Corbett O'Meara
United States District Judge
Hon: Paul J. Komives
United States Magistrate Judge

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF TITLOW 'S MOTION FOR
ENLARGEMENT OF TIME IN WHICH TO FILE A RESPONSE IN OPPOSITION TO
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

In support of Plaintiff's Titlow's Motion for Enlargement of Time, he relies on the provision of Rule 6(b) of the Federal Rules of civil Procedures, which provides, in pertinent part:

"When by these rules or by a notice given thereafter or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if requested therefore is made before the expiration of the period originally prescribed or as extend by a previous order or (2) upon motion made after expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect; but it may not extend the time for taking any action under rule 50(b) and (c)(d), 52(b), 59(b) and (e), 60(b), and 74(a), except to the extent and under condition state in them."

A formal motion is not necessary under Rule 6(b) if the request for extension of time is made prior to the expiration of the time originally prescribed by the rules. Boulton v Pacific Mutual Life Insurance Co., 4 FRD 2000 (D.C., NC. 1944). In this matter, Plaintiff Wade makes this request before the time has expired to file a written response/objection.

If a request is made in a timely fashion under Rule 6(b), and if the delay sought by a Plaintiff

is not attributable to bad faith and will not operate to substantially prejudice Defendant, and extension of time is usually granted on the showing of good cause. *Crcecdon v Taubman*, 8 FRD (D.C. Ohio, 1947).

RELIEF SOUGHT

WHEREFORE, Plaintiff, Vonlee Nicole Titlow, prays this Honorable court "GRANT" him the additional sixty 60 day extension/enlargement of time requested in his motion in order to allow him to prepare and file a persuasive response to Defendant's Motion for Summary Judgment.

Respectfully submitted,



Vonlee Nicole Titlow #384878
Plaintiff, In Pro Per

DATED: 7-16-07

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Vonlee Nicole Titlow

Plaintiff,

-vs-

Corrections Medical Services, Inc., et.al,
Defendant

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ORDER ENLARGING RESPONSE TIME

Plaintiff having filed a motion for enlargement of time in which to file written response by sixty (60) days pursuant to Fed.R.Civ. P 6(b), and the Court being advised in the premises,

IT IS ORDERED that Plaintiff's motion be and is hereby GRANTED, and that the time within which Plaintiff may file a written response to the Defendant's Motion for Summary Judgment, be and is hereby extended to September 16, 2007.

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DETROIT

Dated: 7-16-07


Vonlee Nicole Titlow # 384878

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

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**CLERK'S OFFICE
DETROIT**

Vonlee Nicole Titlow

Plaintiff,

-VS-

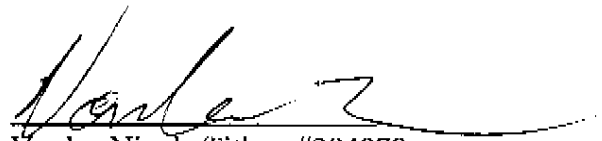
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PROOF OF SERVICE

I, Vonlee Nicole Titlow, certify that on the 13th day of July, 2007, I did serve the Defendant's counsel of record one (1) true copy to Plaintiff's Motion for Enlargement of Time in which to file a response in opposition to defendant's motion for summary judgment; Memorandum of Law in support of same; Propose Order, and Proof of Service, to: Christine M. Campbell, Assistant Attorney General, Criminal Appellant Division, P.O. Box 30217, Lansing, MI 48909.

I declare under the penalty of perjury that the foregoing facts are true and correct to the best of my information, knowledge, and belief.


Vonlee Nicole Titlow #384878
Plaintiff, In Pro Per

Executed on July 13, 2007